

Wetland Conservation Act (WCA) Topic of the Week

Frequently Asked Questions by the Public

July 8, 2021

WCA topics of the week are a series of informal fact sheets that provide practical information on WCA program implementation in a question and answer format. They are intended to better clarify and summarize certain aspects of WCA implementation and should be considered as supplemental to WCA statutes, rules and any associated BWSR guidance and policy. Information in these fact sheets are subject to change over time.

Note that the answers to these questions pertain to wetlands regulated by WCA. They are not necessarily accurate for waters and wetlands regulated by the DNR's Public Waters Work Permit Program (PWWPP). Public waters regulated by the PWWPP are identified on maps [here](#) and [here](#).

Question: Is tree and brush removal from a wetland compliant with WCA?

Answer: Yes. Simply cutting or removing trees and/or brush from wetlands is generally compliant with WCA regulations provided there is no filling or draining (or excavation in certain wetland types). Woody slash originating from the cutting/removal may remain in the wetland and is not considered wetland fill. However, stockpiling the woody slash into large piles that significantly degrade important wetland functions could be considered wetland fill and subject to associated WCA regulations. These piles should not obstruct flow patterns or otherwise impair wetland hydrology. Woody slash originating from outside the wetland is considered wetland fill when deposited and stockpiled in the wetland. Stump removal and chipping/shredding woody material from the wetland is generally allowed provided soil and chipped/shredded slash is not purposefully and/or strategically redistributed within the wetland to act as a dam, trail, access road, or otherwise significantly affect the hydrology of the wetland.

Question: Is mowing a wetland compliant with WCA?

Answer: Yes. Mowing wetlands commonly occurs for forage production, ditch or yard maintenance, noxious weed control, or even aesthetic reasons. Even though consistent mowing can affect the functions and value of a wetland, the effects are not caused by filling, draining, or excavating, and thus are not a wetland impact under WCA.

Question: Is farming a wetland compliant with WCA?

Answer: Yes. WCA allows crop production or pasture use within a wetland provided normal farming practices are used. Normal farming practices includes grazing, plowing, seeding, cultivation, harvesting, and related activities provided the activity does result in wetland drainage or fill. Modifications to wetlands to improve farming may require replacement if they involve draining, filling, and in some circumstances excavation. There are some exemptions to WCA replacement requirements for certain types of agricultural activities on certain types of wetlands. It is important to check with the Local Government Unit regarding WCA compliance if any improvements involving filling, draining, or excavating are being contemplated.

Question: Is ATV use in a wetland compliant with WCA?

Answer: Yes. Occasional recreational ATV use in wetlands is generally compliant with WCA regulations. However, significant rutting and redistribution of soil within a wetland caused by repeated and extensive tire/track action can sometimes result in fill and/or drainage impacts subject to WCA regulation. Wetland impacts occur when a wetland's hydrology is significantly altered due to diversion, damming, etc. Such impacts are more likely to occur in wetlands that are used for large ATV "events" where many ATVs drive repeatedly through the wetland in a short period of time causing significant erosion, rutting, and sidecast. Jumps, barriers, or other obstacles placed in the wetland are also considered a wetland fill impact. Some Local Government Units (LGUs) or the MN DNR may have their own, more restrictive rules that regulate ATV use in wetlands as well. The DNR also has recommendations on ATV use in wetlands [here](#).

Question: Is a culvert needed under my driveway that crosses a wetland?

Answer: It is often necessary for landowners constructing a driveway through a wetland under a WCA exemption or approved replacement plan to install a culvert to maintain the natural movement of water between the two areas of the wetland separated by the driveway. Culverts are needed when there is a risk of significant increased ponding of water on either side of the driveway or when the driveway restricts flow such that one side of the wetland is drained. These risks depend on the type of wetland, its hydrology sources, the location and size of watershed areas draining into the wetland, the location of the driveway within the wetland, the size and elevation of the driveway, and various other factors depending on the situation. Aside from the WCA regulatory implications, it is also important to consider the potential effects on adjacent landowners with property that abuts or includes the wetland being crossed by the driveway. Landowners could be liable for any adverse flooding or drainage on adjacent properties. The LGU working with other members of the TEP can help assess the need for a culvert on a project by project basis. Early coordination and project review with the LGU and TEP is recommended.